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8 Attorneys for Defendant  
9 Collecto, Inc. dba EOS CCA  
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FILED

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FEB 14 2013  
NL

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MEJ

12 BRUCE FRIEDMAN,  
13 Plaintiff,  
14 VS.  
15 COLLECTO, INC. DBA EOS CCA and  
16 DOES 1 to 20, INCLUSIVE,  
17 Defendant.

C Case No. 13-0676  
NOTICE OF REMOVAL

TO THE COURT, THE PARTIES, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendant Collecto, Inc. dba EOS CCA hereby files this Notice of Removal under 28 U.S.C. §1446(a).

A. Introduction

1. This case was initially filed on December 13, 2012 in the Superior Court of California, County of Alameda, no. HG 12660407.

2. On January 17, 2013, Defendant was personally served with Plaintiff's Summons and Complaint.

3. As Defendant received Plaintiff's Complaint on January 15, 2013, Defendant files this notice of removal within the 30-day time period required by 28

1 U.S.C. §1446(b)), and as extended via Federal Rule of Civil Procedure 6. See *Wells v.*  
 2 *Gateways Hosp. & Mental Health Ctr.*, 1996 U.S. App. LEXIS 2287 at \*2 (9th Cir. Cal.  
 3 Jan. 30, 1996).

4 **B. Basis for Removal**

5 4. Removal is proper because Plaintiff's Complaint involves a federal  
 6 question. 28 U.S.C. §§1331, 1441(b); *Long v. Bando Mfg. of Am., Inc.*, 201 F.3d 754,  
 7 757-60 (6th Cir. 2000). Specifically, Plaintiff has alleged claims that arise under 15  
 8 U.S.C. § 1692, et seq., for alleged violation of the Fair Debt Collection Practices Act.

9 5. Plaintiff's state law claims for alleged violations of the Rosenthal Fair Debt  
 10 Collection Practices Act ("Rosenthal Act"), Cal. Civ. Code § 1788 et seq., arise from a  
 11 common nucleus of operative facts and form the same case and controversy. The Court  
 12 may assume Supplemental Jurisdiction over such claims pursuant to 28 U.S.C. §  
 13 1367(a).

14 6. All pleadings, process, orders, and other filings in the state court action are  
 15 attached to this notice as Exhibit "A".

16 7. Venue is proper in this district under 28 U.S.C. §1441(a) because this  
 17 district and division embrace the place where the removed action has been pending.

18 8. Defendant will promptly file a copy of this notice of removal with the clerk  
 19 of the state court where the action has been pending.

20 **C. Jury Demand**

21 9. Plaintiff demanded a trial by jury in the state court action. Defendant  
 22 demands a trial by jury.

23 **D. Conclusion**

24 10. Defendant respectfully request removal of this action as it involves a  
 25 Federal question under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692.

26 \\\

27 \\\

28 \\\

1 Dated: February 13, 2013

2 **Carlson & Messer LLP**

3

4 By: K. Yeomans

5 Keith A. Yeomans

6 Attorneys for Defendant

7 Collecto, Inc. dba EOS CCA

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# EXHIBIT A

1/15/13  
1:25PM  
APSUMMONS  
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):  
COLLECTO INC. dba EOS CCA; and DOES 1 to 20, INCLUSIVE

YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):  
BRUCE FRIEDMAN

SUM-100

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORT)ENDORSED  
FILED  
ALAMEDA COUNTY

FEB 18 2012

CLERK OF THE SUPERIOR COURT  
By -CORINNA CARDEN

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court lien must be paid before the court will dismiss the case.

AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lee la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.suerte.ca.gov](http://www.suerte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder su caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.suerte.ca.gov](http://www.suerte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por lo tanto tiene derecho a reclamar las cuotas y los costos excesivos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que se cuide pueda desarchar el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es): Superior Court of Alameda

24405 Amador Street  
Hayward, California 94544

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is;  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Todd Friedman (SBN 216752), 369 S. Doheny Dr, Ste 415, Beverly Hills, CA 90211, 877-206-4741

CASE NUMBER:  
(Número de caso):  
**BC 12 660407**

DATE: **DEC 13 2012** (Fecha)

PAT S. SWEETEN, Clerk, by  
(Secretario)

Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de este citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1.  as an individual defendant.

2.  as the person sued under the fictitious name of (specify):

3.  on behalf of (specify):

under:  CCP 416.10 (corporation)  
 CCP 416.20 (defunct corporation)  
 CCP 416.40 (association or partnership)  
 other (specify):

4.  by personal delivery on (date): **01-15-13**

Collecto, Inc

CCP 416.50 (minor)  
 CCP 416.70 (conservatee)  
 CCP 416.90 (authorized person)

1 Todd M. Friedman (216752)  
2 Nicholas J. Bontrager (252114)  
3 Suren N. Weerasuriya (278512)  
4 Law Offices of Todd M. Friedman, P.C.  
5 369 S. Doheny Dr. #415  
6 Beverly Hills, CA 90211  
7 Phone: 877-206-4741  
8 Fax: 866-633-0228  
9 tfriedman@attorneysforconsumers.com  
10 nbontrager@attorneysforconsumers.com  
11 swerasuriya@attorneysforconsumers.com  
12 Attorney for Plaintiff

ENDORSED  
FILED  
ALAMEDA COUNTY

DEC 18 2012

CLERK OF THE SUPERIOR COURT  
By CORINNA CARDEN

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 FOR THE COUNTY OF ALAMEDA  
11 LIMITED JURISDICTION

12 Case No. EG 12 660407

13 BRUCE FRIEDMAN,

) COMPLAINT FOR VIOLATION  
14 Plaintiff, ) OF ROSENTHAL FAIR DEBT  
15 ) COLLECTION PRACTICES ACT AND  
16 ) FEDERAL FAIR DEBT COLLECTION  
17 ) PRACTICES ACT  
18 ) (Amount not to exceed \$10,000)

19 COLLECTO INC. DBA BOS CCA and  
DOES 1 to 20, INCLUSIVE,

)  
19 Defendant. ) 1. Violation of Rosenthal Fair Debt  
1. Violation of Rosenthal Fair Debt  
Collection Practices Act  
Collection Practices Act  
2. Violation of Fair Debt Collection  
2. Violation of Fair Debt Collection  
Practices Act  
Practices Act

21 I. INTRODUCTION

22 1. This is an action for damages brought by an individual consumer for  
23 Defendant's violations of the Rosenthal Fair Debt Collection Practices Act, Cal Civ Code  
24 §1788, *et seq.* (hereinafter "RFDCPA") and the Fair Debt Collection Practices Act, 15  
25 U.S.C. §1692, *et seq.* (hereinafter "FDCPA"), both of which prohibit debt collectors from  
26 engaging in abusive, deceptive, and unfair practices.  
27  
28

1 II. PARTIES

2 2. Plaintiff, Bruce Friedman ("Plaintiff"), is a natural person residing in  
3 Alameda County in the state of California, and is a "consumer" as defined by the  
4 FDCPA, 15 U.S.C. §1692a(3) and is a "debtor" as defined by Cal Civ Code §1788.2(h).

5 3. At all relevant times herein, Defendant, Collecto Inc. dba EOS CCA,  
6 ("Defendant") was a company engaged, by use of the mails and telephone, in the business  
7 of collecting a debt from Plaintiff which qualifies as a "debt" as defined by 15 U.S.C.  
8 §1692a(5), and a "consumer debt," as defined by Cal Civ Code §1788.2(f). Defendant  
9 regularly attempts to collect debts alleged to be due another, and therefore is a "debt  
10 collector" as defined by the FDCPA, 15 U.S.C. §1692a(6), and RFDCPA, Cal Civ Code  
11 §1788.2(c).

12 4. Plaintiff does not know the true names and capacities, whether corporate,  
13 partnership, associate, individual or otherwise, of Defendants sued herein as Does 1  
14 through 20, inclusive, and therefore names said Defendants under provisions of Section  
15 474 of the California Code of Civil Procedure

16 5. Plaintiff is informed and believes, and on that basis alleges that Defendants  
17 Does 1 through 20 are in some manner responsible for acts, occurrences and transactions  
18 set forth herein and are legally liable to Plaintiff.

19 6. At all times mentioned, each of the defendants, whether actually named or  
20 fictitiously named, was the agent of the other defendants, whether actually named or  
21 fictitiously named, and each other and was at all times acting within the purpose and  
22 scope of such agency. Plaintiff is informed and believes, and on that basis alleges, that at  
23 all times mentioned herein each defendant, whether actually or fictitiously named was the

1 principal, agent or employee of each other defendant, and in acting as such principal, or  
2 within the course and scope of such employment or agency, took some part in the acts  
3 and omissions hereinafter set forth by reason of which each defendant is liable to plaintiff  
4 for the relief prayed for herein. At all times relevant herein, defendants ratified the  
5 unlawful conduct of the other defendants, who were acting within the scope of their  
6 agency or employment, by accepting the benefits of the transaction(s) with knowledge of  
7 the wrongdoing, or otherwise by failure to repudiate the misconduct.

8  
9 **III. FACTUAL ALLEGATIONS**

10  
11 7. At various and multiple times prior to the filing of the instant complaint,  
12 including within the one year preceding the filing of this complaint, Defendant contacted  
13 Plaintiff in an attempt to collect an alleged outstanding debt.

14  
15 8. On or about September of 2012, Defendant began contacting Plaintiff at  
16 (925) 265-8535 in connection with an attempt to collect an alleged outstanding debt.

17  
18 9. On numerous occasions, Plaintiff has informed Defendant that he is not  
19 responsible for the alleged debt. Defendant told Plaintiff that he would have to pay the  
debt or they would keep calling.

20  
21 10. On average, Defendant contacted Plaintiff approximately two times per  
22 day.

23  
24 11. On average, Defendant contacted Plaintiff approximately ten times per  
week.

25  
26 12. Defendant contacted Plaintiff at times and places that were known to be  
27 inconvenient and with such frequency as to constitute harassment under the  
28 circumstances, including but not limited to, multiple calls per week.

13. Defendant's conduct violated the FDCPA and the RFDCPA in multiple ways, including but not limited to:

a. Causing a telephone to ring repeatedly or continuously to annoy Plaintiff (Cal Civ Code § 1788.1(d));

b. Communicating, by telephone or in person, with Plaintiff with such frequency as to be unreasonable and to constitute an harassment to Plaintiff under the circumstances (Cal Civ Code § 1788.11(e));

c. Causing Plaintiff's telephone to ring repeatedly or continuously, intent to harass, annoy or abuse Plaintiff (§ 1692d(5));

d. Communicating with Plaintiff at times or places which were known or should have been known to be inconvenient for Plaintiff (§ 1692c(a)(1)).

e. Engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff (§ 1692d)

f. Falsely representing or implying that nonpayment of Plaintiff's debt would result in the seizure, garnishment, attachment, or sale of Plaintiff's property or wages, where such action is not lawful or Defendant did not intend to take such action (§ 1692e(4));

g. Threatening to take an action against Plaintiff that cannot be legally taken or that was not actually intended to be taken (§ 1692e(5))

h. Engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff (§ 1692d)).

14. As a result of the above violations of the FDCPA and RFDCPA, Plaintiff suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation,

embarrassment, mental anguish and emotional distress, and Defendant is liable to Plaintiff for Plaintiff's actual damages, statutory damages, and costs and attorney's fees.

COUNT I: VIOLATION OF ROSENTHAL  
FAIR DEBT COLLECTION PRACTICES ACT

15. Plaintiff reincorporates by reference all of the preceding paragraphs.

16. To the extent that Defendant's actions, counted above, violated the  
17. ~~RFDCPA~~, those actions were done knowingly and willfully.

3. PRAYER FOR RELIEF

4. WHEREFORE, Plaintiff respectfully prays that judgment be entered against  
5. Defendant for the following:

7. A. Actual damages;  
8. B. Statutory damages for willful and negligent violations;  
9. C. Costs and reasonable attorney's fees; and  
D. For such other and further relief as may be just and proper.

10. COUNT II: VIOLATION OF FAIR DEBT  
COLLECTION PRACTICES ACT

11. Plaintiff reincorporates by reference all of the preceding paragraphs.

12. PRAYER FOR RELIEF

13. WHEREFORE, Plaintiff respectfully prays that judgment be entered against  
14. Defendant for the following:

16. A. Actual damages;  
17. B. Statutory damages;  
18. C. Costs and reasonable attorney's fees; and,  
D. For such other and further relief as may be just and proper.

19. PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

20. Respectfully submitted this December 10, 2012.

21. By: \_\_\_\_\_

22. Todd M. Friedman, Esq.  
23. Law Offices of Todd M. Friedman, P.C.  
24. Attorney for Plaintiff

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):      Todd M. Friedman, Esq. SBN 216732      Law Offices of Todd M. Friedman, P.C.      369 S. Doheny Dr. #415      Beverly Hills, CA 90211      TELEPHONE NO: 310-206-4741 FAX NO: 866-633-0228</p> <p>ATTORNEY FOR (Name): Plaintiff, Bruce Friedman</p> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda      STREET ADDRESS: 24405 Almaden Street      MAILING ADDRESS: Same      CITY AND ZIP CODE: Hayward, California 94544      BRANCH NAME: Hayward Hall of Justice</p> <p>CASE NAME:      Bruce Friedman v. Collecto Inc dba EOS CCA; et al.</p> <p>CIVIL CASE COVER SHEET</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> <input type="checkbox"/> Unlimited <input checked="" type="checkbox"/> Limited            (Amount demanded exceeds \$25,000) <input checked="" type="checkbox"/> (Amount demanded is \$25,000 or less)         </td> <td style="width: 50%; padding: 5px;">           Complex Case Designation  <input type="checkbox"/> Counter <input type="checkbox"/> Joiner            Filed with final appearance by defendant            (Cal. Rules of Court, rule 3.402).         </td> </tr> </table> <p>Items 1-6 below must be completed (see instructions on page 2).</p>	<input type="checkbox"/> Unlimited <input checked="" type="checkbox"/> Limited (Amount demanded exceeds \$25,000) <input checked="" type="checkbox"/> (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joiner Filed with final appearance by defendant (Cal. Rules of Court, rule 3.402).	<p>CM-010</p> <p>FOR COURT USE ONLY</p> <p>ENDORSED FILED ALAMEDA COUNTY DEC 13 2012</p> <p>CLERK OF THE SUPERIOR COURT CORINNA CARDEN By _____ Deputy</p> <p>CASE NUMBER 17G12660407</p> <p>JUDGE: DAVIS</p>				
<input type="checkbox"/> Unlimited <input checked="" type="checkbox"/> Limited (Amount demanded exceeds \$25,000) <input checked="" type="checkbox"/> (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joiner Filed with final appearance by defendant (Cal. Rules of Court, rule 3.402).						
<p>1. Check one box below for the case type that best describes this case:</p> <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;">           Auto Tort  <input type="checkbox"/> Auto (22)  <input type="checkbox"/> Uninsured motorists (46)            Other PI/PD/WO (Personal Injury/Property Damage/Wrongful Death) Tort  <input type="checkbox"/> Asbestos (04)  <input type="checkbox"/> Product liability (24)  <input type="checkbox"/> Medical malpractice (45)  <input type="checkbox"/> Other PI/PD/WO (23)            Non-PI/PD/WO (Other) Tort  <input type="checkbox"/> Business torts/ultra business practice (07)  <input type="checkbox"/> Civil rights (08)  <input type="checkbox"/> Defamation (13)  <input type="checkbox"/> Fraud (18)  <input type="checkbox"/> Intellectual property (18)  <input type="checkbox"/> Professional negligence (25)  <input checked="" type="checkbox"/> Other non-PI/PD/WO tort (35)            Employment  <input type="checkbox"/> Wrongful termination (36)  <input type="checkbox"/> Other employment (15)         </td> <td style="width: 50%; vertical-align: top;">           Contract  <input type="checkbox"/> Breach of contract/warranty (08)  <input type="checkbox"/> Rule 3.740 collections (09)  <input type="checkbox"/> Other collections (08)  <input type="checkbox"/> Insurance coverage (14)  <input type="checkbox"/> Other contract (37)            Real Property  <input type="checkbox"/> Eminent domain/Inverse condemnation (14)  <input type="checkbox"/> Wrongful eviction (33)  <input type="checkbox"/> Other real property (26)            Unlawful Detainer  <input type="checkbox"/> Commercial (31)  <input type="checkbox"/> Residential (32)  <input type="checkbox"/> Drugs (38)            Judicial Review  <input type="checkbox"/> Action for forfeiture (06)  <input type="checkbox"/> Petition re: arbitration award (11)  <input type="checkbox"/> Writ of mandate (02)  <input type="checkbox"/> Other judicial review (39)         </td> </tr> <tr> <td colspan="2" style="text-align: right; padding-top: 10px;">           Provisionally Complex Civil Litigation            (Cal. Rules of Court, rules 3.400-3.403)  <input type="checkbox"/> Antitrust/Trade regulation (03)  <input type="checkbox"/> Construction defect (10)  <input type="checkbox"/> Mass tort (40)  <input type="checkbox"/> Securities litigation (28)  <input type="checkbox"/> Environmental/Toxic tort (30)  <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)         </td> </tr> <tr> <td colspan="2" style="text-align: right; padding-top: 10px;">           Enforcement of Judgment  <input type="checkbox"/> Enforcement of judgment (20)            Miscellaneous Civil Complaint  <input type="checkbox"/> RICO (27)  <input type="checkbox"/> Other complaint (not specified above) (42)            Miscellaneous Civil Petition  <input type="checkbox"/> Partnership and corporate governance (21)  <input type="checkbox"/> Other petition (not specified above) (43)         </td> </tr> </table> <p>2. This case <input type="checkbox"/> is <input checked="" type="checkbox"/> not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:</p> <p>a. <input type="checkbox"/> Large number of separately represented parties      d. <input type="checkbox"/> Large number of witnesses</p> <p>b. <input type="checkbox"/> Extensive/complex practice raising difficult or novel issues that will be time-consuming to resolve      e. <input type="checkbox"/> Coordination with related actions pending in one or more courts, in other counties, states, or countries, or in a federal court</p> <p>c. <input type="checkbox"/> Substantial amount of documentary evidence      f. <input type="checkbox"/> Substantial post-judgment judicial supervision</p> <p>3. Remedies sought (check all that apply): a. <input checked="" type="checkbox"/> monetary      b. <input checked="" type="checkbox"/> nonmonetary; declaratory or injunctive relief      c. <input type="checkbox"/> punitive</p> <p>4. Number of causes of action (specify): 2; RFDCPA &amp; FDCPA</p> <p>5. This case <input type="checkbox"/> is <input checked="" type="checkbox"/> not a class action suit.</p> <p>6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)</p> <p>Date: December 11, 2012      Todd M. Friedman, Esq.</p> <p style="text-align: center;">(TYPE OR PRINT NAME)</p> <p style="text-align: center;">(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)</p> <p><b>NOTICE</b></p> <ul style="list-style-type: none"> <li>• Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.</li> <li>• File this cover sheet in addition to any cover sheet required by local court rule.</li> <li>• If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.</li> <li>• Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.</li> </ul>		Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorists (46) Other PI/PD/WO (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WO (23) Non-PI/PD/WO (Other) Tort <input type="checkbox"/> Business torts/ultra business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (18) <input type="checkbox"/> Intellectual property (18) <input type="checkbox"/> Professional negligence (25) <input checked="" type="checkbox"/> Other non-PI/PD/WO tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (08) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (08) <input type="checkbox"/> Insurance coverage (14) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Action for forfeiture (06) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)		Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)	
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CM-010

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties In Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 3 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a "Holder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

Auto Tort	Contract	Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)
Auto (22)-Personal Injury/Property Damage/Wrongful Death	Breach of Contract/Warranty (6)	Antitrust/Trade Regulation (3)
Uninsured Motorist (46) (If the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)	Breach of Rental/Lease	Construction Defect (10)
Other PIP/DWD (Personal Injury/Property Damage/Wrongful Death)	Contract (not unlawful detainer or wrongful eviction)	Claims Involving Mass Tort (40)
Tort	Contract/Warranty Breach-Seller	Securities Litigation (28)
Asbestos (4)	Plaintiff (not fraud or negligence)	Environmental/Toxic Tort (30)
Asbestos Property Damage	Negligent Breach of Contract/Warranty	Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)
Asbestos Personal Injury/Wrongful Death	Other Branch of Contract/Warranty	Enforcement of Judgment
Product Liability (not asbestos or toxic/ENVIRONMENTAL) (24)	Collections (e.g., money owed, open book accounts) (69)	Enforcement of Judgment (20)
Medical Malpractice (45)	Collection Case-Seller Plaintiff	Abstract of Judgment (Out of County)
Medical Malpractice-Physicians & Surgeons	Other Promissory Note/Collections Case	Confession of Judgment (non-domestic relations)
Other Professional Health Care Malpractice	Insurance Coverage (not provisionally complex) (18)	Sister State Judgment
Other PIP/DWD (23)	Auto Subrogation	Administrative Agency Award (not unpaid taxes)
Premises Liability (e.g., slip and fall)	Other Coverage	Petition/Certification of Entry of Judgment on Unpaid Taxes
Intentional Bodily Injury/PD/WDO (e.g., assault, vandalism)	Other Contract (37)	Other Enforcement of Judgment Case
Intentional infliction of Emotional Distress	Contractual Fraud	Miscellaneous Civil Complaint
Non-Intentional infliction of Emotional Distress	Other Contract Dispute	RICO (27)
Other PIP/DWD	Real Property	Other Complaint (not specified above) (42)
Non-P/PIP/DWD (Other) Tort	Eminent Domain/Inverse Condemnation (14)	Declaratory Relief Only
Business Tort/Unfair Business Practice (07)	Wrongful Eviction (33)	Injunctive Relief Only (non-harassment)
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)	Other Real Property (e.g., quiet title) (26)	Mechanics Lien
Defamation (e.g., slander, libel) (13)	Quiet Title	Other Commercial Complaint Case (non-tort/non-complex)
Fraud (16)	Other Real Property (not eminent domain, landlord/tenant, or foreclosure)	Other Civil Complaint (non-tort/non-complex)
Intellectual Property (12)	Unlawful Detainer	Miscellaneous Civil Petition
Professional Negligence (25)	Commercial (31)	Partnership and Corporate Governance (21)
Legal Malpractice	Residential (32)	Other Petition (not specified above) (43)
Other Professional Malpractice (not medical or legal)	Drugs (38) (If the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)	Civil Harassment
Other Non-P/PIP/DWD Tort (35)	Judicial Review	Workplace Violence
Employment	Asset Forfeiture (06)	Elder/Dependent Adult Abuse
Wrongful Termination (36)	Petition Re: Arbitration Award (11)	Election Contest
Other Employment (15)	Writ of Mandamus (02)	Petition for Name Change
	Writ-Administrative Mandamus	Petition for Relief From Labor Claim
	Writ-Other Limited Court Case Review	Other Civil Petition
	Other Judicial Review (19)	
	Review of Health Officer Order	
	Notice of Appeal-Labor Commissioner Appeals	

*Superior Court of California, County of Alameda*



*Notice of Assignment of Judge for All Purposes*

Case Number: HG12660407  
Case Title: Friedman VS Collecto Inc.  
Date of Filing: 12/13/2012

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Pursuant to Rule 3.734 of the California Rules of Court and Title 3 Chapter 2 of the Local Rules of the Superior Court of California, County of Alameda, this action is hereby assigned by the Presiding Judge for all purposes to:

Judge:	Gall Brewster Bereola
Department:	19
Address:	Administration Building 1221 Oak Street Oakland CA 94612
Phone Number:	(510) 267-6935
Fax Number:	
Email Address:	Dept.19@alameda.courts.ca.gov

Under direct calendaring, this case is assigned to a single judge for all purposes including trial.

Please note: In this case, any challenge pursuant to Code of Civil Procedure section 170.6 must be exercised within the time period provided by law. (See Code Civ. Proc. §§ 170.6, subd. (a)(2) and 1013.)

NOTICE OF NONAVAILABILITY OF COURT REPORTERS: Effective June 4, 2012, the court will not provide a court reporter for civil law and motion hearings, any other hearing or trial in civil departments, or any afternoon hearing in Department 201 (probate). Parties may arrange and pay for the attendance of a certified shorthand reporter. In limited jurisdiction cases, parties may request electronic recording.

Amended Local Rule 3.95 states: "Except as otherwise required by law, in general civil case and probate departments, the services of an official court reporter are not normally available. For civil trials, each party must serve and file a statement before the trial date indicating whether the party requests the presence of an official court reporter."

Counsel(s) are expected to be familiar with the Statement of Professionalism and Civility, Alameda County Bar Association ([www.acbanet.org](http://www.acbanet.org)).

IT IS THE DUTY OF EACH PLAINTIFF AND CROSS COMPLAINANT TO SERVE A COPY

OF THIS NOTICE IN ACCORDANCE WITH LOCAL RULES.

General Procedures

Following assignment of a civil case to a specific department, all pleadings must be filed at the court facility where that department is located. The René C. Davidson Courthouse is the filing location for departments situated in the Alameda County Administration Building and the United States Post Office (see Local Rule, rule 1.9(f) effective as of 10/11/2011). All documents, with the exception of the original summons and the original civil complaint, shall have clearly typed on the face page of each document, under the case number, the following:

ASSIGNED FOR ALL PURPOSES TO  
JUDGE Gail Brewster Bereola  
DEPARTMENT 19

All parties are expected to know and comply with the Local Rules of this Court, which are available on the Court's website at:  
<http://www.alameda.courts.ca.gov/courts/rules/index.shtml> and with the California Rules of Court, which are available at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov).

Parties must meet and confer to discuss the effective use of mediation or other alternative dispute processes (ADR) prior to the Initial Case Management Conference. The court encourages parties to file a "Stipulation to Attend ADR and Delay Initial Case Management Conference for 90 Days". Plaintiff received that form in the ADR Information package at the time the complaint was filed. The court's Web site also contains this form and other ADR information. If the parties do not stipulate to attend ADR, the parties must be prepared to discuss referral to ADR at the Initial Case Management Conference.

Appearances by attorneys who are not counsel of record are not permitted except for good cause shown. All attorneys must be of record or file an Association of Counsel and have full authority to make decisions on a case. Please submit courtesy hard copies of all filed law and motion papers directly to Department 19. All references to "counsel" apply equally to self-represented parties who should know that there is a Self-Help Center at René C. Davidson Courthouse, 1225 Fallon Street, 2nd Floor, Oakland and in Hayward at the Alameda County Office Building, 224 W. Winton Avenue, Hayward.

Schedule for Department 19

The following scheduling information is subject to change at any time, without notice. Please contact the department at the phone number or email address noted above if you have questions.

- Trials generally are held: Monday through Thursday 10:00 a.m. to 4:15 p.m. Trial Readiness: Friday at 10:00 a.m.; Short Cause Trials: Fridays at 2:00 p.m. Compliance with Local Rule 3.35 and personal appearance required.
- Case Management Conferences are held: Monday, Wednesday & Friday at 9:00 a.m. Check the Register of Actions on Demand before the hearing to determine whether the court has published a Tentative Case Management Order.
- Law and Motion matters are heard: Tuesday and Thursday at 9:00 a.m. Post Trial motions heard Friday at 9:30 a.m. Email Dept. 19 for reservations before filing pleadings.
- Settlement Conferences are heard: As scheduled by the Judge

- Ex Parte matters are heard: Ex Parte Applications and supporting documentation are to be filed with the clerk's office. Give notice to the opposing counsel/party and provide a courtesy hard copy to the courtroom.
- Ex Parte cont'd: The moving party must also inform the opposing counsel/parties that any opposition to the application should be filed within 24hrs with a courtesy copy provided to Dept. 19. The court will thereafter rule on the documents submitted. If a hearing is required, the parties will be notified. Except as required by law, requests for default court judgments are generally decided on the papers filed. For prove-up and other uncontested hearings, email the courtroom clerk for reservations. You may inform of approaching deadlines; however, the court will set the first available date accommodating the court's calendar. Please note that a reservation is not a confirmed hearing date until pleadings are filed.

Law and Motion Procedures

To obtain a hearing date for a Law and Motion or ex parte matter, parties must contact the department as follows:

- Motion Reservations  
Email: Dept.19@alameda.courts.ca.gov

Please include (1) Name of Case; (2) Case Number; (3) Title of Motion; (4) Moving party. For Tentative Rulings please see Local Rule 3.30(c). To contest a ruling, notify Dept. 19 by email or telephone and give notice to the opposing counsel/party.

- Ex Parte Matters  
Email: Dept.19@alameda.courts.ca.gov

See above for information pertaining to Ex Parte Applications.

Tentative Rulings

The court may issue tentative rulings in accordance with the Local Rules. Tentative rulings will become the Court's order unless contested in accordance with the Local Rules. Tentative rulings will be available at:

- Website: [www.alameda.courts.ca.gov/domainweb](http://www.alameda.courts.ca.gov/domainweb), Calendar Information for Dept. 19
- Phone: 1-866-223-2244

Dated: 12/19/2012

  
FAC/DRK

Presiding Judge,

Superior Court of California, County of Alameda

CLERK'S CERTIFICATE OF MAILING

I certify that the following is true and correct: I am the clerk of the above-named court and not a party to this cause. I served this Notice by placing copies in envelopes addressed as shown on the attached Notice of Initial Case Management Conference and then by sealing and placing them for collection, stamping or metering with prepaid postage, and mailing on the date stated below, in the United States mail at Alameda County, California, following standard court practices.

Executed on 12/20/2012

By Debra Fustado  
Deputy Clerk

**PROOF OF SERVICE**

I am employed in the County of Los Angeles, State of California.

I am over the age of eighteen years and not a party to the within action. My business address is 5959 W. Century Blvd., Suite 1214, Los Angeles, CA 90045.

8 On February 13, 2013, I served the foregoing document(s) described as: **NOTICE OF**  
9 **REMOVAL** on all interested parties in this action by placing a true copy thereof enclosed in a  
sealed envelope addressed as follows:

**SEE ATTACHED SERVICE LIST**

11 [X] **BY MAIL:** I sealed such envelope(s) and placed it (them) for collection and mailing on this  
12 date following the ordinary business practices of Carlson & Messer LLP. I am "readily familiar"  
13 with the business practices of Carlson & Messer LLP for collection and processing of  
14 correspondence for mailing with the United States Postal Service. Such correspondence would  
15 be deposited with the United States Postal Service at Los Angeles, California this same day in  
16 the ordinary course of business with postage thereon fully prepaid.

17 [ ] **ELECTRONIC MAIL:** Based on Court order or an agreement of the parties to accept service  
18 by e-mail or electronic transmission, I caused the said documents to be sent to the persons at the  
19 electronic mail addresses listed below (see attached service list). I did not receive within a  
20 reasonable time after the transmission, any electronic message or other indication that the  
21 transmission was unsuccessful.

22 [ ] **PERSONAL SERVICE BY HAND:** I personally served such document to address stated on  
23 POS Service List.

24 [ ] **BY FACSIMILE-** I transmitted via telecopier machine such document to the offices of the  
25 addressees.

26 [ ] **(STATE)** - I declare under penalty of perjury under the laws of the State of California that the  
27 above is true and correct.

28 [X] **(FEDERAL)** - I declare that I am employed in the office of a member of the bar of this court  
29 at whose direction the service was made.

Executed this 13th day of February, 2013, at Los Angeles, California.

Linda Brooks  
Linda Brooks

**Bruce Friedman v. Collecto, Inc. dba EOS CCA**  
**File No.: 07384.00**

Todd M. Friedman, Esq.  
**LAW OFFICES OF TODD M. FRIEDMAN, P.C.**  
369 S. Doheny Drive, Suite 415  
Beverly Hills, California 90211  
Tele: (877) 206-4741  
Fax: (866) 633-0228  
[tfriedman@attorneysforconsumers.com](mailto:tfriedman@attorneysforconsumers.com)

Attorneys for Plaintiff:  
**BRUCE FRIEDMAN**

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